

SENATE CHAMBER,
AUSTIN, TEXAS, May 1, 1873.

Senate met pursuant to adjournment Roll called; quorum present. Prayer by the chaplain.

On motion of Senator Rawson, the reading of the journal of yesterday was dispensed with.

Senator Flanagan, chairman of the Committee on Internal Improvements, submitted the following report:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Internal Improvements, to whom was referred House bill No. 467, entitled "An act to adjust and define the rights of the Texas and Pacific Railway Company within the State of Texas, in order to encourage the speedy construction of a railway through the State to the Pacific ocean," have had the same under consideration. The bill proposes to make a final adjustment of all matters and rights between the State of Texas and the Texas and Pacific Railway Company, growing out of the several charters granted by the Legislature to the Southern Pacific and Trans-Continental railroad companies, or other franchises acquired by either of them, or by the Texas and Pacific Company, chartered by act of Congress, and to which previous legislation of this State had granted (in addition to former grants) \$6,000,000, in the bonds of the State, or in lieu thereof twenty-four sections of land to the mile on six hundred miles of road. It is estimated that the grants of land claimed by this company under the acts of May 24, and November 25, 1871, and under the franchises acquired by this company, amount to something over twenty millions of acres. Under the present bill it is proposed to give the company a fraction over thirteen millions of acres, or twenty sections to the mile on about 1090 miles of road, making a difference of about six millions of acres in favor of the State, or in other words, a loss to the company of six millions of acres of land. In place of this deduction in favor of the State the time is extended for the completion of the road from Longview to Fort Worth until July, 1874, and from Marshall via Jefferson, Texarkana, Clarksville, Paris, Bonhan, and from Sherman to Fort Worth, by January, 1875.

In addition to the former reservation to the old Memphis and El Paso company, there is a reservation granted by

this act from the twenty-third degree of longitude west from Washington to the Rio Grande river, out of which the company are to select their lands, and the alternate sections belonging to the school fund, taking the bad as well as the good lands in the reservation, and leaving the Commissioner of the General Land Office to designate the company's sections, as well as the sections belonging to the school fund.

Without going further into the details of the measure, the bill is repored back with accompanying amendments, and its passage recommended.

Amend section one by inserting after the word "to," in line forty-two engrossed bill, and line fifty-five printed bill, the following:

"A point not less than one-fourth nor more than one-half mile from the court house in the town of Wheatherford, in Parker county, at which point said company shall establish and maintain a freight and passenger depot; *provided*, it shall not be obligatory upon said company to go by said town and establish said depot in the event the said town of Wheatherford fails to give said company, free of charge, twenty-five acres of land, the same to be designated by the said company, for the purpose of depot buildings, track, sidings, switches and turnouts; and also give, free of charge, the right of way through the said town, and a tract of twenty-five acres of land situated on the line of said railroad, and within one and a half miles of the court house in said town, and thence westwardly on the most practicable route to."

Amend same section, by striking out all after the word "Mexico," in line forty-four engrossed bill, and line fifty-eight in printed bill, to the word "and" in line sixty-five in engrossed bill, and line eighty-five in printed bill.

Amend same section, by inserting after the figures "1873," in line seventy-one engrossed bill, and line ninety-three printed bill, the following words:

"*Provided*, there shall be sufficient water in Red River and Cypress Bayou to allow the transportation of the iron to the town of Jefferson, to construct the road to said town in the time specified."

Amend section four, by striking out the word "issuance," in line seven of the engrossed bill, and line eight of the printed bill, and inserting in lieu thereof the word "location."

Amend same section by striking out all after the word "the," to the word "and," in line eighteen of the engrossed bill, and lines twenty-two and twenty-three of the printed bill, and inserting in lieu thereof the following words: "rights conferred by this act."

Amend section ten by inserting after the word "enacted," in line thirteen of the engrossed, and line seventeen of the printed bill, the following words:

"*Provided*, that said connecting road, or roads, shall not discriminate in their charges for freight and passengers against said Texas and Pacific Railway Company, but shall carry the same at the same rates and charges as said railroad company or companies carry their own freight and passengers."

Amend section ten by inserting after the word "State," in line eighteen of the engrossed bill, and line twenty-three in the printed bill, the following words: "running parallel with the said Texas and Pacific Railroad, or in the same general direction."

Amend section eleven, line three, of both printed and engrossed bills, by striking out the word "ten," and inserting in lieu thereof the word "fifteen."

Amend section eleven, line six of the engrossed bill, and line seven of the printed bill, by striking out the word "twenty," and inserting in lieu thereof the word "thirty."

WEBSTER FLANAGAN, Chairman.

On motion of Senator Flanagan, the rules were suspended, the bill and report taken up, and made special order for to-morrow at 11 o'clock A. M.

Senator Flanagan also submitted the following report:
Hon. E. B. Pickett, President of the Senate:

SIR: Your committee, to whom was referred Senate bill No. 288, entitled "An act to incorporate the Austin and Colorado Valley Water Works and Irrigation Company, and to provide a method to aid said company in constructing the same," having carefully considered the same, instruct me to report it back to the Senate, and recommend that it do pass.

WEBSTER FLANAGAN, Chairman.

Senator King, chairman of the Committee on Engrossed Bills, submitted the following report:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Engrossed Bills have ex-

amined Senate bill No. 319 "An act for the relief of the heirs of James W. Dickson, deceased," and find the same correctly engrossed.

HENRY C. KING, Chairman.

Senator Latimer, chairman of the Committee on Enrolled Bills, made the following report:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Enrolled Bills beg leave to report that they have examined and compared the following bills:

Senate bill No. 212, "An act making a new apportionment of the representative and senatorial districts of the State of Texas."

Senate bill No. 44, "An act to incorporate a company to be styled the Palestine Fire Company."

Senate joint resolution No. 37, granting leave of absence from the State to I. N. Everett, Judge of the Twenty-sixth Judicial District."

And find the same correctly enrolled.

H. R. LATIMER, Chairman.

The following House bills were taken from the President's desk, read first time and referred to the committees indicated:

House bill No. 332, "An act supplementary to and amendatory of the several acts concerning injunctions." Referred to Committee on Judiciary No. 2.

House bill No. 794, "An act to amend section seven of an act entitled an act to incorporate the city of Waco." Referred to Committee on State Affairs.

House bill No. 560, "An act to amend articles 527 and 527a of the Code of Criminal Procedure." Referred to Committee on Judiciary No. 2.

House bill No. 782, "An act providing for permanently locating the county seat of Robertson county." Referred to Committee on Counties and County Boundaries.

House bill No. 358, "An act to make provision for the better security of public funds." Referred to Committee on Finance.

A message was received from the House informing the Senate that the House had passed the following bills:

Senate bill No. 302, "An act to incorporate the town of McDade, in Bastrop county, Texas."

Senate bill No. 306, "An act to incorporate the town of Wharton, in Wharton county."

Also, that the House had adopted the following Senate concurrent resolution:

WHEREAS, We deem a uniform series of school books for the use of the schools of the State as a matter of paramount importance in our educational system, at the same time the most economical; and

Whereas, We recognize the propriety of introducing no school books containing sectional teachings, or such as can offend the taste and prejudices of any class, caste or party; and

Whereas, We desire to see the education of the youth of the State conducted on a broad and national, not local or sectional, basis; and

Whereas, The University Series of school books aim to accomplish all these desirable objects, and at the same time are first class and conformed in their method to the true principles which underlie all successful intellectual training; therefore, be it

Resolved, That we recommend the University Series for the use of the schools of the State.

Unfinished business, viz., Senate joint resolution No. 34, "Providing for a vote of the people of the State calling a convention to frame a new Constitution for the State, and providing for the election of delegates thereto, and the time for the convening thereof," was taken up.

Senator Broughton moved the previous question. Carried.

The question being the adoption of the motion offered by Senator Baker to indefinitely postpone the resolution, the same was put, and carried by the following vote:

Yeas—Senators Baker, Broughton, Cole, Ford, Flanagan, Fountain, Franks, Hall, Latimer, Pyle, Rawson, Randle, Ruby, Sayers, Shelley, Tendick and Tracy—17.

Nays—Senators Avinger, Ball, Dillard, Dohoney, Evans, Finlay, Henry, King, Swift, Word and Mr. President—11.

House bill No. 125, "An act to prescribe the mode and manner of designating exempted homesteads in certain counties," was taken up. The bill was read second time, and the report of the Committee on Judiciary No. 1, recommending amendments, adopted. The rules were suspended, the bill read third time and passed.

By leave, Senator Sayers introduced a bill to be entitled "An act supplemental to an act to reimburse Bastrop

county, and appropriating two hundred and twenty-five dollars for that purpose, approved March 20, 1873." The bill was read first time.

On motion of Senator Sayers, the rules were suspended, the bill read second time and ordered engrossed; rules further suspended, read third time and passed.

Senator Latimer, chairman of the Committee on Enrolled Bills, submitted the following report:

Hon. E. B. Pickett, President of the Senate:

SIR: I hereby beg leave to report that I did, this day, at 10:15 o'clock A. M., present to his Excellency the Governor, for his approval and signature, the following bills:

Senate bill No. 212, "An act making a new apportionment of the representative and senatorial districts of the State of Texas."

Senate bill No. 44, "An act to incorporate a company to be styled the Palestine Fire Company."

Senate joint resolution No. 37, granting leave of absence from the State to I. N. Everett, Judge of the Twenty-sixth Judicial District.

H. R. LATIMER, Chairman.

A message was received from the House informing the Senate that the House had passed the following bills:

House bill No. 594, "An act to incorporate the St. Louis and Mexican Gulf Railroad Company, and to grant land to aid in the construction thereof."

House bill No. 228, "An act to amend article four hundred and thirty-five of the Code of Criminal Procedure."

House bill No. 802, "An act to enable certain towns and cities to erect hospitals."

House bill No. 721, "An act to be entitled an act to regulate the assessment and collection of taxes."

Also House joint resolution providing for a vote of the people of the State, calling a constitutional convention to frame a new Constitution for the State, and providing for the election of delegates thereto, and the time for the convening thereof."

Senator Fountain introduced a bill to be entitled "An act to amend an act to incorporate the Pacific and Great Eastern Railway Company of Texas." Read first time and referred to the Committee on Internal Improvements.

The hour having arrived, the special order, viz., House bill No. 48, "An act regulating juries," was taken up.

Senator Dohoney moved to postpone the bill, and make it the special order for to-morrow at 11 o'clock. Lost by the following vote:

Yeas—Senators Avinger, Broughton, Dohoney, Evans, Flanagan, Henry, King, Latimer, Rawson, Swift, Word and Mr. President—12.

Nays—Senators Baker, Dillard, Ford, Finlay, Fountain, Franks, Hall, Pyle, Randle, Ruby, Saylor, Sayers, Shelley and Tendick—14.

The bill was read second time.

Senator Fountain moved to indefinitely postpone the bill.

Senator Dohoney moved to postpone the bill to Saturday next and make it the special order for 11 o'clock.

On motion of Senator Dohoney the main question was ordered.

The first question, being to postpone and make it special order for Saturday next, 11 o'clock, was submitted, and the Senate refused to postpone by the following vote:

Yeas—Senators Avinger, Broughton, Cole, Dohoney, Evans, Henry, King, Latimer, Randle, Shelley, Swift, Word and Mr. President—13.

Nays—Senators Baker, Ball, Ford, Finlay, Flanagan, Fountain, Franks, Hall, Pyle, Rawson, Ruby, Saylor, Sayers, Tendick and Tracy—15.

The next question being to indefinitely postpone, the same was put, and the Senate refused to indefinitely postpone by the following vote:

Yeas—Senators Baker, Broughton, Ford, Flanagan, Fountain, Franks, Hall, Rawson, Randle, Ruby, Saylor, Tendick and Tracy—13.

Nays—Senators Avinger, Ball, Cole, Dohoney, Evans, Finlay, Henry, King, Latimer, Pyle, Sayers, Shelley, Swift, Word and Mr. President—15.

The amendments recommended by Judiciary Committee No. 1 were adopted by the following vote:

Yeas—Senators Avinger, Ball, Broughton, Cole, Dohoney, Evans, Finlay, Flanagan, Henry, King, Latimer, Pyle, Saylor, Sayers, Shelley, Swift, Word and Mr. President—18.

Nays—Senators Baker, Ford, Fountain, Franks, Hall, Rawson, Randle, Ruby and Tendick—9.

The next question being on passing the bill to a third reading, and the question being submitted, the bill passed to a third reading by the following vote:

Yeas—Senators Avinger, Ball, Cole, Dillard, Dohoney, Evans, Finlay, Henry, King, Latimer, Pyle, Sayers, Shelley, Swift, Word and Mr. President—16.

Nays—Senators Baker, Ford, Flanagan, Fountain, Franks, Hall, Rawson, Randle, Ruby, Saylor, Tendick and Tracy—12.

The next special order being Senate bill No. 307, "An act to re-organize certain judicial districts and to abolish certain judicial districts therein named," on motion of Senator Tracy, the same was postponed until 12 o'clock M. to-morrow, and made special order for that hour.

Special order, viz., Senate bill No. 203, "An act to incorporate the St. Louis and Mexican Gulf Railroad, and grant lands in aid of the construction thereof," was taken up, and on motion of Senator Dohoney, House bill No. 594, "An act to incorporate the St. Louis and Mexican Gulf Railroad, and grant lands in aid of the construction thereof," was taken up in lieu of Senate bill No. 203 and read first time.

Senator Fountain moved to postpone the consideration of the bill until to-morrow at 11:30 A. M., and that one hundred copies be ordered printed.

Senator Flanagan moved to lay the motion on the table. Carried by the following vote:

Yeas—Senators Avinger, Baker, Ball, Broughton, Cole, Dillard, Dohoney, Evans, Finlay, Flanagan, Henry, Latimer, Pyle, Rawson, Saylor, Sayers, Shelley, Swift, Word and Mr. President—20.

Nays—Senators Fountain, Franks, Hall, Randle, Ruby and Tendick—6.

Senator Dohoney proposed to amend as follows:

Amend section one in line twenty-two by striking out all after the word "purposes."

Senator Fountain moved to postpone the further consideration of the bill until 11 A. M. next Saturday.

Senator Flanagan moved to lay the motion on the table.

Carried by the following vote:

Yeas—Senators Avinger, Baker, Ball, Broughton, Cole, Dillard, Dohoney, Evans, Flanagan, Henry, King, Latimer, Pyle, Rawson, Saylor, Sayers, Swift, Word and Mr. President—19.

Nays—Senators Fountain, Franks, Hall, Randle, Ruby, Shelley, Tendick, and Tracy—8.

Senator Fountain moved a call of the Senate. Call sustained.

Absent—Senator Gaines.

On motion of Senator Tracy, Senator Gaines was excused from attendance on the Senate for to-day.

Senator Fountain moved to adjourn until 10 A. M. tomorrow. Lost.

The question recurring upon the adoption of the amendment offered by Senator Dohoney, the same was put and the amendment adopted.

Senator Fountain moved to amend by striking out section eleven. Lost.

Senator Flanagan moved the previous question.

Carried by the following vote :

Yeas—Senators Avinger, Baker, Ball, Broughton, Cole, Dillard, Dohoney, Evans, Finlay, Flanagan, Henry, King, Latimer, Pyle, Rawson, Saylor, Sayers, Swift, Tracy, Word and Mr. President—22.

Nays—Senators Ford, Fountain, Franks, Hall, Ruby, Shelley and Tendick—7.

The rules were then suspended, the bill read second time and passed to third reading by the following vote:

Yeas—Senators Avinger, Baker, Ball, Broughton, Cole, Dillard, Dohoney, Evans, Ford, Finlay, Flanagan, Hall, Henry, King, Latimer, Pyle, Rawson, Saylor, Sayers, Shelley, Swift, Tracy and Word—23.

Nays—Senators Fountain, Ruby and Tendick—3.

On motion of Senator Flanagan, the rules were suspended by the following vote:

Yeas—Senators Avinger, Baker, Ball, Broughton, Cole, Dillard, Dohoney, Evans, Ford, Finlay, Flanagan, Hall, Henry, King, Latimer, Pyle, Rawson, Saylor, Sayers, Shelley, Swift, Tracy and Word—23.

Nays—Senators Fountain, Ruby and Tendick—3.

And the bill was read third time and passed by the following vote:

Yeas—Senators Avinger, Baker, Ball, Broughton, Cole, Dillard, Dohoney, Evans, Ford, Finlay, Flanagan, Fountain, Hall, Henry, King, Latimer, Pyle, Rawson, Ruby, Saylor, Sayers, Swift, Tendick, Tracy Word and Mr. President—26.

On motion of Senator Baker, House bill No. 517, "An act supplemental to an act to incorporate the Western Narrow Gauge Railway Company, approved August 4,

1870, and an act supplemental thereto, approved October 13, 1871," was made special order for to-morrow at 10:30 o'clock A. M.

On motion of Senator Franks, the Senate adjourned until 10 o'clock A. M. to-morrow.

SENATE CHAMBER.
AUSTIN, TEXAS, May 2, 1873. }

Senate met pursuant to adjournment. Roll called; quorum present. Prayer by the chaplain.

On motion of Senator Franks, the journal of yesterday was read and adopted.

On motion of Senator Ball, Senator Finlay was excused from attendance on the Senate for to-day.

A petition from the citizens of Tarrant county, asking the confirmation of W. B. Lawrence, Esq., as notary public of said county, was taken from the President's desk and read.

Senator King, chairman of Committee on Engrossed Bills, submitted the following report:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Engrossed Bills have examined and find correctly engrossed the following bills:

"An act supplemental to an act entitled an act reimbursing Bastrop county, and appropriating the sum of two hundred and twenty-five dollars for that purpose, approved March 20, 1873."

Senate bill No. 292, "An act to incorporate the Sherman, Tyler and Henderson Railway Company, and to grant lands to aid in the construction thereof."

HENRY C. KING, Chairman.

Senator Latimer, chairman of the Committee on Roads, Bridges and Ferries, submitted the following report:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Roads, Bridges and Ferries have had under consideration Senate bill No. 322, "An act to be entitled an act to authorize G. W. Harper to construct and keep a toll bridge across South Sulphur Fork of Red River," and they have instructed me to report the same back to the Senate with the recommendation that it do pass.

H. R. LATIMER, Chairman.